

Sixth Appellate District

San Jose, California

MONDAY, DECEMBER 11, 2006

H029822 PEOPLE v. AYALA

The judgment is modified to reduce the restitution and suspended parole-revocation fines to \$200. As so modified, the judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed December 11, 2006

H029253 PEOPLE v. TAYLOR

The judgment is affirmed. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed December 11, 2006

H029727 PEOPLE v. AYALA

The judgment is reversed. The matter is remanded to the trial court for the limited purpose of determining and awarding defendant custody and conduct credits pursuant to Penal Code sections 2900.5 and 4019, for the time he spent in the Merced County jail from the date of imposition of the Santa Clara County hold until he was sentenced in the Merced County case. The court shall prepare an amended abstract of judgment and forward it to the California Department of Corrections. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed December 11, 2006

H029288 ITECH GROUP, INC. v. NATIONAL SEMICONDUCTOR CORPORATION

The judgment is reversed, and the matter is remanded for retrial or other disposition on iTech's seventh amended complaint. The parties shall bear their own costs on appeal. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed December 11, 2006

TUESDAY, DECEMBER 12, 2006

The following case is submitted this date:

H030711 TYRONE J. v. SUPERIOR COURT

H029024 PEOPLE v. WALLACE

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed December 12, 2006

Sixth Appellate District

San Jose, California

Tuesday, December 12, 2006 (continued)

H029318 ASTRIN v. APPLE COMPUTER, INC.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: December 12, 2006

*Before Mihara, Acting P.J., McAdams, J. and Duffy, J.

H029861 PEOPLE v. BROWN

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed December 12, 2006

H028779 PEOPLE v. GALLEGOS

The judgment is affirmed. (not published)

(Duffy, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)

Filed December 12, 2006

H030055 In re L.O.; DFCS v. WALMIR O.,

We affirm the order of March 14, 2006, terminating appellant's parental right's and freeing L.O. for adoption. (not published)

(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)

Filed December 12, 2006

H029661 MATEA v. WCAB & THE HOME DEPOT

(Filed order modifying opinion.) There is no change in judgment. Respondent The Home Depot's petition for rehearing is denied. (published)

(Bamattre-Manoukian, Acting P.J., Mihara, J., McAdams, J.)

Filed December 12, 2006

H030165 In re KATRINA B.; DFCS v. GLORIA B.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: December 12, 2006

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and Duffy, J.

H029365 HALPIN v. CITY OF SAN JOSE, et al.

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed December 12, 2006

Sixth Appellate District

San Jose, California

WEDNESDAY, DECEMBER 13, 2006

H029952 NGHIEM v. FUJITSU MICROELECTRONICS, INC., et al.

Plaintiff's petition for writ of mandate is denied.
Defendants shall have their costs incurred in these proceedings.
(not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed December 13, 2006

H029738 PEOPLE v. NELSON

The judgment is affirmed. (not published)
(Duffy, J.; I concur: McAdams, J.; Dissenting opinion by: Mihara,
Acting P.J.)
Filed December 13, 2006

H029201 PEOPLE v. JAGASSAR et al.

The judgment is affirmed. (not published)
(Duffy, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed December 13, 2006

THURSDAY, DECEMBER 14, 2006

H028993 DELFINO et al. v. AGILENT TECHNOLOGIES, INC.

The judgment entered on the order granting Agilent's motion
for summary judgment is affirmed. (published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams,
J.)
Filed December 14, 2006

H029031 PEOPLE v. PORTER

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed December 14, 2006

H029611 PEOPLE v. KNUTSON

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara,
J.)
Filed December 14, 2006

H028656 COURT HOUSE PLAZA COMPANY v. MERCER PROCESSING, INC., et
al.; COURT HOUSE PLAZA COMPANY v. CORNISH & CAREY COMMERCIAL
By the Court*:

Appellant's petition for rehearing is denied.
Filed: December 14, 2006

*Before Rushing, P.J., Premo, J. and Elia, J.

Sixth Appellate District

San Jose, California

Thursday, December 14, 2006 (continued)

The following case is submitted this date:

H030007 MCKINNEY v. MCKINNEY

H030007 MCKINNEY v. MCKINNEY

Husband's appeals from the March 7, 2006, and March 23, 2006 orders are dismissed. (not published)

(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)

Filed December 14, 2006

FRIDAY, DECEMBER 15, 2006

H029295 PEOPLE v. JUAN N.

The order is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed December 15, 2006

H030001 PEOPLE v. AVINA

The judgments are affirmed. (not published)

(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed December 15, 2006

H029587 PEOPLE v. YARBROUGH et al.

The attorney fee order is vacated and the matter remanded to the trial court for proceedings in accordance with this opinion. In all other respects, the judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed December 15, 2006

H028310 WAKEFIELD v. BOHLIN, et al.

We reverse the post-judgment order of November 15, 2004. We remand the matter to the trial court with the following instructions: (1) the court shall find that Ronald Wakefield is the prevailing party and it shall award him costs, including attorney fees in an amount within its discretion; (2) the court shall exercise its discretion to award or deny costs to Charlotte Bohlin, and, if awarded, to apportion any costs she incurred jointly with Jeff Bohlin. The court shall not award attorney fees to Charlotte Bohlin. Wakefield shall be entitled to his costs on appeal. (published)

(McAdams, J.; I concur: Elia, Acting P.J.; Dissenting opinion by Mihara, J.)

Filed December 15, 2006

Sixth Appellate District

San Jose, California

Friday, December 15, 2006 (continued)

H029932 BRITT v. CUPERTINO CITY COUNCIL

The judgment is affirmed. (not published)
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed December 15, 2006

H029619 PEOPLE v. STREETER

The no-contact order is stricken. The trial is ordered to award appellant an additional 728 days of custody credits beyond the 768 days of presentence custody credit specified in the abstract of judgment. The trial court is ordered to amend the abstract of judgment to accurately reflect the disposition of the Delaware conviction. As so modified, the judgment is affirmed. The trial court is ordered to send a copy of the amended abstract of judgment to the Department of Corrections. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed December 15, 2006

H029635 PEOPLE v. HULTON

The judgment is affirmed. (not published)
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed December 15, 2006

H029891 PEOPLE v. GOMEZ

The judgment is affirmed. (not published)
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)
Filed December 15, 2006